

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD GROSSO)	
)	
Petitioner,)	Civil Action No. 23-71E
)	
v.)	Magistrate Judge Maureen P. Kelly
)	
SUPERINTENDENT MICHAEL J. ZAKEN;)	Re: ECF Nos. 7, 8 and 9
THE DISTRICT ATTORNEY OF ERIE)	
COUNTY; <i>and</i>)	
THE ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA,)	
)	
Respondents.)	

ORDER

Petitioner Richard Grosso (“Petitioner”) is a state prisoner currently incarcerated at the State Correctional Institution at Greene (“SCI-Greene”) in Waynesburg, Pennsylvania. Petitioner submitted the self-styled “Petition,” which was received by this Court on March 16, 2023, and in which Petitioner seeks federal habeas corpus relief under 28 U.S.C. § 2254. ECF Nos. 1 and 1-1.

Currently before this Court are three non-dispositive motions filed by Petitioner. ECF Nos. 7, 8, and 9. These will be addressed *seriatim*.

The first motion is Petitioner’s “Motion Requesting Permission to File Hand-Written Form Pertaining to His Writ of Habeas Corpus, 28 U.S.C. § 2254.” ECF No. 7. While this motion is somewhat difficult to follow, this Court interprets it as a request to be excused from filing a habeas petition on this Court’s approved form. This motion will be DENIED. A blank copy of the approved form petition was mailed to Petitioner along with the Deficiency Order dated March 17, 2023. To the extent that Petitioner seeks leave to complete the documents with legible hand writing, the same is permitted by the local rules of this Court, and Petitioner does not need separate permission to do so. See LCvR 10.A.

The second motion is Petitioner's "Motion to File a Reduced Amount of Petitions, Briefs, Motions, Exhibits and Opinions/Orders." ECF No. 8. This motion also is not entirely clear. To the extent that Petitioner seeks leave not to provide two service copies of the Amended Petition, see ECF No. 2, the same will be GRANTED. It will be DENIED to the extent that it seeks any other relief.

The third motion is Petitioner's Motion for Appointment of Counsel. ECF No. 9. There is no constitutional right to counsel in proceedings brought pursuant to 28 U.S.C. § 2254. See Coleman v. Thompson, 501 U.S. 722, 752 (1991); Pennsylvania v. Finley, 481 U.S. 551, 555 (1990). The appointment of counsel is not mandatory unless and until an evidentiary hearing has been granted. Rules 8(c), Rules Governing Section 2254 Cases. The standard for the appointment of counsel in a Section 2254 case is whether "the interests of justice . . . require" that representation be provided. 18 U.S.C. § 3006A(a)(2).

Given that an Answer has not yet been filed, the Court has not yet determined whether an evidentiary hearing will be necessary. Further, Petitioner has not met his burden to show that the interests of justice otherwise require the appointment of counsel in this case at this time. As such, Petitioner's request for the appointment of counsel will be DENIED without prejudice to refile after the Answer and has been submitted.

AND NOW, this 30th day of March, 2023, IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

1. Petitioner's Motion Requesting Permission to File Hand-Written Form Pertaining to His Writ of Habeas Corpus, 28 U.S.C. § 2254, ECF No. 7, is DENIED as stated above.
2. Petitioner's Motion to File a Reduced Amount of Petitions, Briefs, Motions, Exhibits and Opinions/Orders, ECF No. 8, is GRANTED to the extent that Petitioner seeks leave

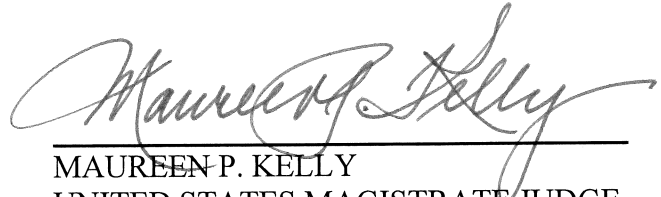
not to provide two service copies of the Amended Petition. To the extent that Petitioner seeks any other relief via this motion, the same is DENIED.

3. Petitioner's Motion for Appointment of Counsel, ECF No. 9, is DENIED WITHOUT PREJUDICE to refile after the Answer has been submitted, if appropriate.

IT IS FURTHER ORDERED that, within 14 days, the parties may appeal this Order to a district judge pursuant to Rule 72.C.2 of the Local Rules for Magistrate Judges. Failure to appeal in a timely manner will constitute waiver of the right to appeal.

Dated: March 30, 2023

BY THE COURT:



MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE

cc: RICHARD GROSSO
CW-6956
SCI GREENE
169 PROGRESS DRIVE
WAYNESBURG, PA 15370